

DECISION RECORD

Western Lithium Corporation Kings Valley Clay Mine Environmental Assessment DOI-BLM-NV-W010-2013-0046-EA

Introduction

Western Lithium Corporation (WLC), submitted the Kings Valley Clay Mine (KVCM) Plan of Operations (POO) proposing to develop an open-pit clay mine on public lands administered by the Bureau of Land Management (BLM). The KVCM is located approximately 21 miles west-northwest of Orovada, Nevada.

Specifically, WLC proposes to establish:

- A permit boundary;
- 2 open pits;
- 2 waste rock disposal areas;
- Ore-grade clay stockpile areas;
- 4 growth media stockpiles;
- An aggregate source (with associated aggregate stockpiles) and mobile aggregate screen;
- An exploration program utilizing drilling equipment, roads, and drill pads;
- Use of 2 on-site water wells as a non-potable source for dust suppression;
- Ancillary facilities including storm water controls, office/first aid trailer, parking, ready line, and fencing; and
- Access improvements to State Route (SR) 293.

The approximately 796 acre KVCM Project Area is located on public lands administered by the Bureau of Land Management, Winnemucca District, Humboldt River Field Office (BLM) and is located on portions of Township 44 North, Range 35 East (T44N R35E), sections 8, 9, and 17, Mount Diablo Base and Meridian. As a result of the Proposed Action, the total surface disturbance on public lands would be approximately 110 acres.

DECISION

Based on the Western Lithium Corporation, KVCM Project Environmental Assessment (EA), DOI-BLM-NV-W010-2013-0046-EA and the attached Finding of No Significant Impact (FONSI) it is my decision to select the Proposed Action alternative subject to implementation of all mitigation recommended in the EA, which will now be referred to as Stipulations and are attached to this document. Also included on the Stipulations attachment are environmental protection measures committed to by WLC in the Proposed Action. Additionally, authorization of operations conducted by WLC will be subject to the following condition:

- It is the responsibility of WLC to ensure all on-site employees and contractors are aware of the conditions of the approval to operate at the site and the potential consequences of

conducting activities that are not part of a current approved POO. Accordingly, WLC will be required to provide all employees and contractors who intend to work at the project copies of a current approved POO, plan approval letter, FONSI and this Decision Record. WLC will also provide employees and contractors a copy of the associated EA.

Rationale for Selected Alternative

Alternatives evaluated in the EA were the Proposed Action, the Greater Sage-grouse Protection Alternative and the No Action Alternative. Selection of the Proposed Action is based on factors including, but not limited to:

- Authority for this decision as it relates to the BLM-managed public lands is contained in the Mining Law of May 10, 1872, as amended (17 Stat. 91), the Surface Resources Act of 1955 (30 United States Code (U.S.C.) 611-614), the Federal Land Policy and Management Act of 1976 (FLPMA), as amended (43 U.S.C. 1701 et seq.), and the Code of Federal Regulations (CFR) at 43 CFR 3809 and 43 CFR 3715.
- The Proposed Action, subject to implementation of all mitigation recommended in the EA, meets the purpose and need for the federal action.
- The Proposed Action is in conformance with the Paradise-Denio Management Framework Plan (MFP), approved July, 1982.
- Based on the consultation, coordination, and public involvement that has occurred, it is determined that this is a well informed decision (refer to section below).
- Based on the EA, it is determined that this decision will not result in any unnecessary or undue environmental degradation of public lands and is consistent with federal, state, and local laws, regulations and plans.
- The selected alternative and application of recommended mitigation will not adversely impact any threatened or endangered species or significant scientific, cultural, or historical resources. The mitigation for Greater Sage-grouse was developed, in part, utilizing the *Memorandum of Understanding Regarding the Establishment of a Partnership for the Conservation and Protection of the Greater Sage-Grouse and Greater Sage-Grouse Habitat*, and offsets direct impacts to Greater Sage-grouse habitat. The 220 acres of offsite mitigation would also benefit other special status species and general wildlife. Noise monitoring and adaptive management practices will be implemented with the intent to protect Greater Sage-grouse lekking behavior. Approximately 1200 acres of nesting and brooding habitat could be lost due to noise impacts.
- The Greater Sage-grouse Protection alternative would protect Greater Sage-grouse lekking activities through timing restrictions, and could, in part, protect early nesting and early brood rearing activities from noise impacts. It is possible that the sage-grouse hens could acclimate to the temporal and seasonal reduction in mining activity/noise and human presence and utilize land around the mine site for *early* nesting and brooding. However, as with the selected alternative, the 1200 acres of surrounding nesting and brooding habitat would most likely not be utilized in any capacity between July 1 and February 28 with implementation of Greater sage-grouse protection alternative. With implementation of recommended mitigation for active noise monitoring and adaptive management practices, if necessary, the Proposed Action will provide some level of protection to Greater Sage-grouse.
- Based on the President's National Energy Policy and Executive Order 13212, the proposed action will not generate any adverse energy impacts or limit energy production

and distribution. Therefore, no “Statement of Adverse Energy Impact” is required per WO IM No 2002-053 and NV IM 2002-049.

Conformance

The Proposed Action is in conformance with the Paradise-Denio MFP, approved July, 1982. Objective M 1.0 of the MFP states: “Provide the public the opportunity to acquire minerals from the public lands to meet market demands.” The Proposed Action is consistent with the plans and policies of neighboring local, state, tribal, and federal governments to the greatest extent possible. No federal, state, or local law, or requirement imposed for the protection of the environment will be threatened or violated.

Public Involvement

Preliminary EA

On April 18, 2013, a letter and map were sent to a mailing list of interested publics. Comments were received from the Nevada Department of Wildlife (NDOW), Nevada State Land Use Planning Agency, Nevada Division of Water Resources, and three private individuals. Comments centered on air quality, cultural and paleontological resources, livestock grazing, surface and ground water quality and quantity, visual resources and night sky, special status species such as Greater Sage-grouse, migratory birds, and transportation. This assisted the BLM in refining issues and in identifying new issues, coordination needs, and possible alternatives.

On December 20, 2013, a Preliminary Environmental Assessment was made available for a 30-day public review period. Comments were received from one member of the public, the Nevada Division of State Lands, the Nevada Division of Environmental Protection – Bureau of Safe Drinking Water, and NDOW. Based on a thorough review of public comments received during the 30-day review period, changes were made to the EA. These changes primarily provided clarification where the analysis was not sufficiently clear. Additionally, in finalizing the EA, Section 6.4 - *Public Outreach/Involvement*, was updated.

Native American Consultation

On April 10, 2013, letters requesting consultation on the Proposed Action were sent to the Fort McDermitt Paiute and Shoshone Tribe, and the Summit Lake Paiute Tribe.

On April 15, 2013, a consultation meeting on the Proposed Action was held with the Ft. McDermitt Paiute and Shoshone tribe. On April 20 and May 18, 2013, consultation meetings were held with the Summit Lake Paiute Tribe. The Fort McDermitt tribe asked: 1) why the monitoring wells are in the area, and how often they are monitored; 2) would there be any impact to the springs and 3) would the project go below the water table? The Summit Lake Paiute Tribe felt the project was outside their immediate area of interest and wanted to use their time and resources to comment on projects closer to their reservation.

Responses to Fort McDermitt Tribe questions are as follows:

1. The existing monitoring wells were installed as part of the Kings Valley Lithium Exploration Project. They have been monitored quarterly for water quality and have data loggers installed to daily record water levels. Monitoring at these wells is not required under permits but is undertaken by WLC as part of their ongoing on-site data-collection program.
2. Impacts to springs are not anticipated. As described in Chapter 4.7 the springs in the area are believed to be fed by perched aquifers. Pumping from PH-1 is not anticipated to create changes to these perched aquifers.
3. The proposed pits would be excavated to a depth of 60 feet below ground surface (bgs). As described in chapter 3.7, groundwater levels recorded in the monitoring wells closest to the proposed pits measured: 130 feet bgs for WSH-13; 135 feet bgs for WSH-14; and 172 feet bgs for PH-2 (WSH-17). The proposed pits are not anticipated to intersect the water table.

The Fort McDermitt Tribe expressed no other concerns after their questions were answered.

Authority

The authority for this decision is contained in the Mining Law of May 10, 1872, as amended (17 Stat. 91), the Surface Resources Act of 1955 (30 United States Code (U.S.C.) 611-614), the Federal Land Policy Management Act (FLPMA) of 1976 (43 U.S.C. 1701 et seq.), and the Code of Federal Regulations (CFR) at 43 CFR 3809 and 43 CFR 3715.

Appeal Provision

If you are adversely affected by this decision, you may request that the BLM Nevada State Director review this decision. If you request State Director Review, the request must be received in the BLM Nevada State Office at:

BLM Nevada State Office
State Director
1340 Financial Blvd.
Reno, Nevada 89502

The request must be received no later than 30 calendar days after you receive or have been notified of this decision.

The request for State Director Review must be filed in accordance with the provisions in 43 CFR 3809.805. This decision will remain in effect while the State Director Review is pending, unless you request and obtain a stay (suspension) from the State Director. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted using the standards and procedures for obtaining a stay (43 CFR 4.21) from the Interior Board of Land Appeals (IBLA).

If the State Director does not make a decision on your request for review of this decision

within 21 days of receipt of the request, you should consider the request declined and you may appeal this decision to the IBLA. You may contact the BLM Nevada State Office to determine when the BLM received the request for State Director Review. You have 30 days from the end of the 21-day period in which to file your Notice of Appeal with this office at 5100 E. Winnemucca Blvd., Winnemucca, Nevada, 89445, which we will forward to IBLA.

Under 43 CFR 3809.801(a)(1), if you wish to bypass a State Director Review, this decision may be appealed directly to the IBLA in accordance with the regulations at 43 CFR part 4. Your Notice of Appeal must be filed in this office at 5100 E. Winnemucca Blvd., Winnemucca, Nevada, 89445, within 30 days from receipt of this decision. As the appellant you have the burden of showing that the decision appealed from is in error. Enclosed is BLM Form 1842-1 which contains information on taking appeals to the IBLA. This decision will remain in effect while the IBLA's decision is pending, unless you request and obtain a stay under 43 CFR 4.21. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted under the criteria in 43 CFR 4.21.

Request for Stay

If you wish to file a petition (request) pursuant to regulations 43 CFR 4.21 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by IBLA, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of this notice of appeal and petition for a stay must also be submitted to each party named in the decision and, to the IBLA, and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to parties if the stay is granted or denied.
2. The likelihood of the appellant's success on the merits.
3. The likelihood of immediate and irreparable harm if the stay is not granted.
4. Whether the public interest favors granting the stay.

_S\Victor W. Lozano\S_____
Victor W. Lozano
Field Manager
Humboldt River Field Office

____3/5/14_____
Date

Attachments (3):
Stipulations and Environmental Protection Measures
Form 1842-1 (September 2006)
Finding of No Significant Impact (FONSI)

Stipulations and Environmental Protection Measures

Western Lithium Corporation Kings Valley Clay Mine Environmental Assessment DOI-BLM-NV-W010-2013-0046-EA

Stipulations

Through the course of the analysis conducted in the EA, the following mitigation measures were developed to reduce impacts to the affected resources. The Authorized Officer has decided that these mitigation measures shall be adhered to as Stipulation of any authorization implementing the Proposed Action.

Greater Sage-Grouse

Per the *Memorandum of Understanding Regarding the Establishment of a Partnership for the Conservation and Protection of the Greater Sage-Grouse and Greater Sage-Grouse Habitat*, impacts to Greater Sage-grouse habitat should be mitigated at a ratio of 2:1 for Preliminary General Habitat (PGH). The Proposed Action would result in approximately 110 acres of PGH being physically disturbed. Therefore, 220 acres shall be revegetated at one or more offsite locations in the Montana Mountains burned during the Holloway Fire. These locations will be determined in coordination with BLM, NDOW, and WLC. Evaluation under NEPA will be necessary once specific sites are identified. Offsite mitigation will begin in the appropriate season two to five years after initiation of mining activities. Successful revegetation will be determined based on the standards provided in Appendix G of the EA.

To verify that there is no adverse impact to the Greater Sage-grouse lek from noise, WLC shall conduct active monitoring at the nearest active Greater Sage-grouse lek to determine the noise levels associated with the Proposed Action at the lek. This one-time monitoring shall be conducted according to BLM protocols shown in Appendix H of the EA. If the noise level at the lek during mining operations exceeds a 20dB increase above ambient during the lekking season (March 1 through June 30), WLC will be required to modify the operations to reduce noise levels.

Raptors

Personnel shall be briefed of the possibility of Western Burrowing Owls utilizing disturbed areas of loosened soil. In the event that owls burrow in a working area (i.e. ore-grade clay stockpile), the burrow shall be avoided by a distance determined in consultation with the BLM Authorized Officer, until the owlets have fledged and the nest is no longer active.

Bighorn Sheep

During final reclamation, the entire pit floors and haul roads within the pit shall be graveled in a manner that would provide a hard, compact surface that can support the weight of bighorn sheep and other wildlife, and ensure no clay soil is exposed to create an entrapment hazard.

Wildlife

Recommended mitigations for special status species under the Proposed Action are also recommended for the benefit of general wildlife.

Environmental Protection Measures Committed to by the Operator

WLC has committed to the following environmental protection measures to prevent unnecessary and undue environmental degradation during construction, operation, and reclamation activities of the Proposed Action. The measures are derived from the general requirements established in 43 CFR 3809, as well as other water, air quality, and environmental protection regulations.

Air Emissions

Appropriate air quality permits will be obtained from NDEP Bureau of Air Pollution Control (BAPC) for land disturbance, use of generators, and use of the aggregate screen and crusher. As per BAPC regulations, the Project air quality operating permit must be authorized by the BAPC prior to commissioning.

Committed air quality practices will include dust control for mine operations as described by the BAPC required *Fugitive Dust Control Plan* which will be included under the Surface Area Disturbance (SAD) permit. WLC will apply for the SAD permit closer to the Project start date. The *Fugitive Dust Control Plan* has been included as Appendix C of the EA. In general, the *Fugitive Dust Control Plan* will provide for speed limits, water application on haul roads and other disturbed areas, seeding growth media stockpiles, and other dust control measures as accepted and reasonable industry practice. Disturbed areas will be seeded with an interim seed mix to minimize fugitive dust emissions where appropriate. Also, trucks carrying crushed ore-grade clay from the site will be covered with a tarp to control dust.

Lighting

KVCM will reduce light pollution and impacts to visual resources to the extent practicable by screening light sources, directing light towards intended targets, and placing lights at the lowest practical height. Diesel-generator powered light plants will measure approximately 30 feet tall when in use. Lighting will only be used during active mining or exploration operations in accordance with MSHA regulations. Light plant masts will be lowered (to a horizontal position, if possible) daily when not in use. They may also be stored in a lowered position at the office/first-aid, parking, and ready line area or removed from the site when not in use.

Cultural Resources

WLC will avoid all contributing elements of the Double H/Whitehorse Obsidian Procurement Area National Register Eligible District and any other National Register of Historic Places (NRHP) eligible sites by a buffer zone of 100 feet.

Any cultural resource discovered by the permit holder, or any person working on their behalf, during the course of activities on federal land will be immediately reported to the authorized officer by telephone, with written confirmation. The permit holder will suspend all operations in the immediate area of such discovery and protect it until an evaluation of the discovery can be made by the authorized officer. This evaluation will determine the significance of the discovery

and what mitigation measures are necessary to allow activities to proceed. The holder will be responsible for the cost of evaluation and mitigation. Operations may resume only upon written authorization to proceed from the authorized officer.

Native American Religious Concerns

If traditional cultural objects, tribal resources, or sacred materials are identified within or in close proximity to the Project Area, WLC will contact the BLM. The BLM will conduct consultation with the affected Tribe(s) to determine if avoidance is possible or if other mitigation measures are required as appropriate. The BLM will advise WLC as to when they could proceed with work in the area.

Paleontological Resources

If paleontological resources are identified at the Project Area, activities will cease in the immediate vicinity of the find and notification will be made immediately to the BLM Authorized Officer. Actions by the BLM could include mitigating measures such as data recovery, restrictions on development, and deletion of some areas from development on a case by case basis. In accordance with 43 CFR §3809.420(8)(ii), “the authorized officer shall evaluate the discoveries brought to his/her attention, take action to protect or remove the resource, and allow operations to proceed within ten working days after notification to the authorized officer of such discovery.”

Erosion and Sediment Control

WLC will construct stormwater structures to prevent run-on water from entering disturbed areas or areas otherwise in use for mining activities. Berms and/or stormwater diversion channels will be constructed around the pits, the ore-grade clay stockpile area, and around growth media stockpiles. Other temporary stormwater control structures and BMPs will be constructed and installed as needed to prevent degradation to identified surface water resources, shown on Figure 6 of the EA, from runoff water until perennial vegetation can be re-established.

BMPs will be used to limit erosion and reduce sediment in precipitation runoff from Project facilities and disturbed areas during construction, operations, and initial stages of reclamation. BMPs used during construction and operation to minimize erosion and control sediment runoff may include:

- Surface stabilization measures – dust control, mulching, riprap, gravel on access roads, temporary and permanent revegetation/reclamation, and placing growth media;
- Runoff control and conveyance measures – hardened channels, runoff diversions; and
- Sediment traps and barriers – check dams, grade stabilization structures, sediment detention basins, sediment/silt and straw bale barriers, and sediment traps.

Stormwater diversion channels will be constructed around the open pits to divert up-gradient run-on water from entering. Although the open pits are located above the water table, perched water zones could be intersected which may create temporary shallow ponds at the pit bottoms. Precipitation could also collect in the pits. In the event that incidental water does occur in the pit, it will collect within a constructed low zone and be left to evaporate naturally.

Revegetation of disturbed areas will reduce the potential for wind and water erosion. Following construction activities, areas such as cut-and-fill embankments and growth media stockpiles will be seeded as soon as practicable and safe. Concurrent reclamation will be maximized to the extent practicable to accelerate revegetation of disturbed areas. Sediment and erosion control measures will be inspected periodically, and repairs performed as needed.

Monitoring of stormwater structures and sediment control BMPS will occur periodically throughout the life of the mine and after precipitation events.

Petroleum Products/Hazardous Materials/Solid and Liquid Waste

Petroleum and equipment maintenance products will be transported and used by the contract mining company in accordance with federal, state, and local regulations. No hazardous materials as defined by the Comprehensive Environmental Response, Compensation, and Liability Act regulations (40 CFR 302.4) will be used on the site. WLC and contract mining employees will be trained in the proper transportation, use, and disposal. Wastes generated on-site will be managed by the contract mining service truck and disposed of in accordance with state and federal regulations.

The contract mining company will be responsible for the disposal of all waste materials including used hydrocarbons. Used solvents, hydrocarbons, and antifreeze will be accumulated, labeled, and disposed of in compliance with applicable state and federal regulations.

A Spill Contingency and Emergency Response Plan, describing the methods for spill prevention, cleanup, and abatement of petroleum hydrocarbon or other equipment maintenance material spill, is included as Appendix D of the Plan of Operations and as Appendix A of the EA. This plan will be made readily available on-site before operations begin. Spills will be immediately reported to both the BLM and the NDEP. All contaminated soil will be secured and disposed of according to state and federal regulations.

Common office wastes will be collected in an on-site covered trash dumpster, hauled off-site, and disposed of in an existing permitted landfill or transfer station (e.g., the landfill or transfer station located in Orovada).

Monitoring

During operations, annual qualitative monitoring of multiple key indicators of site stability of concurrently reclaimed areas will be conducted. These key stability indicators may include revegetation and presence of noxious/invasive weeds, surface erosion, sedimentation, slope stability, and wildlife parameters.

Growth Media Storage and Stockpile Management

Approximately 130,000 cubic yards of growth media will be salvaged and stockpiled during the development of mine facilities. Stripped growth media encountered will be stockpiled within designated areas as shown on Figure 4 of the EA. Growth media stockpiles will be located such that mining operations will not disturb them.

The surfaces of the stockpiles will be shaped during construction to reduce erosion. To further minimize wind and water erosion, the growth media stockpiles will be seeded after shaping with a seed mix approved by the BLM. Diversion channels and/or berms will be constructed around the stockpiles as needed to prevent erosion from overland run-on or run-off. BMPs such as silt fences or certified weed-free straw bales will be used, as necessary, to contain sediment resulting from direct precipitation.

Vegetation and Non-Native Invasive Species

Areas of surface disturbance associated with the Proposed Action will be reclaimed pursuant to a reclamation plan approved by the BLM and the NDEP. Activities will include recontouring of disturbed areas and seeding with a BLM-approved seed mix.

A noxious weed monitoring and control plan will be implemented during construction and continue through operations. The *Noxious and Invasive Species Management Plan*, provided as Appendix E of the Plan of Operations and as Appendix B of the EA, contains management strategies, treatment, and treatment evaluation. The results from annual monitoring will be the basis for updating the *Noxious and Invasive Species Management Plan* and developing annual treatment programs.

Equipment will be washed by contractors prior to entering the site for the first time in order to remove noxious weed seeds carried from the last location.

Migratory Birds

Land clearing or other surface disturbances associated with the Proposed Action will be conducted outside of the migratory avian breeding season, whenever feasible, to avoid potential destruction of active bird nests. Nests are considered active if they contain eggs or young or if evidence of reproductive behavior (i.e. mated pairs, courtship displays, territorial defense, carrying nesting materials, transporting food, etc.) is observed [Migratory Bird Treaty Act (MBTA) 1918]. When surface disturbance must be created during the migratory avian breeding season (March 1 through August 31) a survey performed by a qualified biologist following BLM survey protocols will be conducted for active nests. This survey will be conducted no more than ten days prior to and no less than three days prior to proposed disturbance activities. The results of the survey will be reported to the BLM biologist prior to any surface disturbance activity. If active nests are located or reproductive behaviors observed, disturbance activities may be postponed, a protective buffer may be established, or other appropriate protective measures will be instituted to avoid disturbance to the nest or reproductive behaviors until the nests are no longer active. The start and end dates of the seasonal restriction may be based upon site-specific information such as species affected, elevation, and weather patterns which may affect breeding chronology.

Barbed-wire fencing will be fitted with flagging/reflective flight diverters to prevent avian species collisions. They will be maintained per BLM specifications and will remain in place for the duration of the mine life. Light plants will be stored with the masts in a lowered position when not in use to reduce potential predatory bird perching sites.

Special Status Species

Barbed-wire fencing will be fitted with flagging/reflective flight diverters to deter Greater Sage-grouse and other avian species collisions. The flagging/reflective flight diverters will be maintained per BLM specifications and will remain in place for the duration of the mine life. Light plants will be stored with the masts in a lowered position when not in use to reduce potential predatory bird perching sites.

WLC is signatory to the *Memorandum of Understanding Regarding the Establishment of a Partnership for the Conservation and Protection of the Greater Sage-Grouse Habitat* (MOU) signed between the BLM, Humboldt-Toiyabe National Forest, the Nevada Department of Conservation and Natural Resources, and members of the Nevada Mining Association. WLC will follow the consultation process for proposed mining projects occurring in Greater Sage-grouse preliminary priority habitat (PPH) and preliminary general habitat (PGH) on federal lands as described in this document. This was discussed in great detail in Chapter 3.15 of the EA.

Wildlife

The mining plan has been developed with a minimal disturbance footprint. WLC will train operators to observe the Project Area for the presence of larger wildlife such as mule deer and pronghorn antelope as well as avian and other terrestrial wildlife. WLC will continue to operate in accordance with established WLC wildlife protection policies that prohibit feeding or harassment of wildlife.

Trash and other waste products will be properly managed, and WLC will control garbage that could attract wildlife. Common office trash will be collected in covered trash dumpsters. Dumpsters will be emptied on a regular basis and trash disposed of at an authorized off-site landfill. Appropriate speeds (25 miles per hour or less) will be maintained along access and service roads. These environmental protection measures are intended to reduce the immediate and long-term impacts that mining could potentially have on wildlife.

Barbed-wire fencing placed around the open pits will have durable reflective flight diverters in place and will be maintained per BLM specifications, for the duration of the mine life. Light plants will be stored with the masts lowered when not in use to eliminate potential predatory bird perching sites.

Protection of Survey Monuments

To the extent practicable, WLC will protect all survey monuments, witness corners, reference monuments, bearing trees, and line trees against unnecessary or undue destruction or damage. If, in the course of operations, any monuments, corners, or accessories are destroyed, WLC will immediately report the matter to the BLM Authorized Officer. Prior to destruction or damage during surface disturbing activities, WLC will contact the BLM to develop a plan for necessary restoration or re-establishment activity of the affected monument in accordance with Nevada Instruction Memorandum (IM) No. NV-2007-003 and Nevada law. WLC will bear the cost for the restoration or re-establishment activities including the fees for a Nevada professional land surveyor.

Public Safety, Access, and Signage

Public safety will be maintained throughout the duration of the Project. Active mining areas (specifically the two open pits) will be fenced with three-strand barbed-wire located approximately 25 feet from the pit edge. Flagging/reflective flight diverters will be placed on the barbed-wire fences to deter Greater Sage-grouse and other wildlife. An earthen berm will be placed around the pits as well. The office/first-aid trailer, parking, ready line area will be fenced with a six-foot chain-link fence. WLC will install gates at three main Project site access locations, as shown on Figure 4 of the EA. The gate will consist of a post on either side of the road, with the road blocked by a three-strand barbed-wire fence or horizontal bar. Appropriate signage will also be installed at these three locations, notifying the public of an active mining operation and access restrictions. Although the gates will not be locked, the general public will be restricted from accessing the mine site.

Approximately one mile of previously existing road will be restricted for general public access as shown on Figure 4 of the EA. This road terminates at the northern end of the Project Area. Project-related roads will be signed and/or gated to limit public access. The local grazing permittee will be allowed access to the trough and spring; WLC will communicate often with the existing grazing permittee to notify them when mining operations are active.

Land Use Authorizations

The Project design and activities will be carried out to avoid impacts to existing ROWs adjacent to the Project Area. These ROWs are N-60463 for a telephone facility and N-58382 for a power transmission line. WLC will obtain the necessary permits for access road improvements within the NDOT ROW N-002773 for SR 293.

Prevention and Control of Fires

WLC recognizes that the BLM maintains jurisdictional authority to suppress vegetation fires occurring on the BLM-administered land within the Project Area. Fires occurring within the active mine site will be coordinated with WLC for appropriate suppression response, though the BLM will respond to all reported fires occurring on the BLM-administered land within the Project Area.

WLC will take prudent measures to prevent and suppress fires occurring from their activities, and they will also report all fires as described below.

- Personnel will be allowed to smoke only in designated areas and will be required to follow applicable BLM regulations regarding smoking;
- All vehicles will carry at a minimum a shovel and five gallons of water (preferably in a backpack pump), in addition to a conventional fire extinguisher;
- Adequate firefighting equipment (a shovel, a pulaski, standard fire extinguisher(s), and an ample water supply) will be kept readily available at each active drill site;
- Vehicle catalytic converters will be inspected often and cleaned of all flammable debris;
- All cutting/welding torch use, electric-arc welding, and grinding operations will be conducted in an area free, or mostly free, from vegetation. An ample water supply and shovel will be on hand to extinguish any fires created from sparks. At least one person in addition to the cutter/welder/grinder will be at the work site to promptly detect fires created by sparks;

- Any fire restrictions or closures issued by the BLM Winnemucca District Office will be publicized in the local media, and notice will be posted at various sites throughout the district. The BLM does not individually contact operators. This plan of operations serves as an authorization that may exempt WLC's operations from certain restrictions in those orders. Personnel will be responsible for being aware of and complying with the requirements of those orders; and
- Any wildland fire observed will be reported immediately to the BLM Central Nevada Interagency Dispatch Center at (775) 623-3444.

Measures to be Taken during Temporary, Interim, or Seasonal Closures

WLC does not anticipate planned extended inactive periods. The rate of mining may vary depending on marketing conditions and contract agreements with the contract mining company. As little as 5,000 tons of clay ore and as much as 18,750 tons of clay ore may be mined from the pits in any given year, depending on demand. The handling and management of the ore-grade clay at the clay stockpile area and associated hauling from the site could occur at any time during a 24-hour day, 365 days per year. Site inspections for BMP maintenance and monitoring will occur regularly.

WLC has prepared an *Interim and Seasonal Closure Plan* in compliance with 43 CFR 3809.401(b)(2)(vi) and submitted it as Appendix H of the Plan of Operations.

Should a temporary, interim, or seasonal closure occur, the following measures will be implemented to maintain site safety and stability. These measures are discussed in greater detail in the *Interim and Seasonal Closure Plan*:

- Security: The Project Area will have appropriate signage at the intersection of SR 293, at the three main access points (as shown on Figure 4), at the fenced office/first-aid trailer, parking, ready line area, and at the two open pit areas;
- Supplies: Most supplies or equipment maintenance products will not remain on-site. Miscellaneous equipment, if remaining on-site, will be stored in the fenced and locked office/first-aid trailer, parking, and ready line area.;
- Contractor Equipment: Contractor equipment will be removed;
- Roads: The main access road will receive maintenance, as necessary;
- Mine Open Pits: Berms around the pits will remain in place, and public access will be restricted;
- Noxious Weed Control: WLC will continue to monitor and control noxious weeds and non-native invasive species in accordance with the *Noxious and Invasive Species Management Plan* included as Appendix B;
- Erosion Control Measures: Stormwater and erosion control structures will be regularly inspected and maintained;
- Buildings and Equipment: The office/first-aid trailer and WLC equipment or support facilities left on-site will be protected from public access, will be kept within the fenced parking and ready-line area, and maintained as necessary; and
- Monitoring and Maintenance: WLC personnel will staff the site as necessary and perform monitoring, security, and necessary maintenance.

No temporary, interim, or seasonal closures of the facility are planned. However, it is possible that, due to mechanical or technical difficulties, unfavorable economic conditions, litigation, or other unforeseen events, mining and/or hauling of clay ore may have to be temporarily closed. Under this scenario, the BLM and NDEP will be notified within 30 days of the temporary closure.

Drill Hole Plugging and Water Well Abandonment

Mineral exploration and development drill holes subject to NDWR regulations will be abandoned in accordance with applicable rules and regulations (NAC Chapter 534). Boreholes will be sealed to prevent cross contamination between aquifers, and the required shallow seal will be placed to prevent contamination by surface access.

Monitoring and production wells will be abandoned and reclaimed as required by NAC 534. Well abandonment methods will differ based on well hydrologic conditions (e.g. dry, standing water or artesian) and completion methods (e.g. type of casing- polyvinyl chloride or steel, perforated interval, unperforated, etc.).

Post-Reclamation Monitoring and Maintenance

Post-reclamation monitoring and maintenance will include qualitative monitoring of key stability indicators which may include vegetation, surface erosion, sedimentation, and slope stability parameters. Appropriate maintenance activities will be implemented as needed. Maintenance activities may include one or more of the following:

- Sediment removal from stormwater drainage channels and diversion as necessary to maintain their design capacity;
- The function of temporary erosion control BMPs such as silt fences and straw bales will be maintained. These BMPs will be removed when no longer essential for erosion control;
- Diverting surface water away from reclaimed areas where erosion jeopardizes attainment of reclamation standards;
- Stabilization of rills, gullies, other erosion features or slope failures through placement of riprap, mulch, diversions, and sediment control structures;
- Noxious weed control; and
- Reseeding or re-application of reclamation treatments will occur in areas where determined through monitoring and agency consultation that reclamation has not yet met reclamation standards.

Quantitative reclamation monitoring to measure compliance with the revegetation success criteria will begin during the first growing season after final reclamation has been completed and will continue for a minimum of three years or until the reclamation success criteria are achieved. Qualitative monitoring of key indicators of site stability will continue, and the reclamation performance management guidelines will apply during this time. The bond release criteria will be applied to the data collected in the third year following reclamation. Revegetation success will be determined based on the BLM and NDEP Nevada guidelines for successful revegetation (NDEP 1998).